

Application No.: 09/727,984
Amendment Dated: March 8, 2006
Reply to Office Action of: September 8, 2005

REMARKS

By the foregoing amendment, claims 1, 8, 12 and 13 have been amended. Claims 1-6 and 8-22 are pending in the application. In view of the foregoing amendments and the remarks urged here, Applicant respectfully requests that the Examiner reconsider all outstanding rejections.

Objection to the Specification

The Examiner has objected to the specification as containing informalities.

Applicant has amended the specification according to the Examiner's suggested changes. Applicant wishes to thank the Examiner for pointing out the informality.

Objection to Claim

The Examiner has objected to an informality in claim 8.

Applicant has amended claim 8 to correct the informality. Applicant wishes to thank the Examiner for pointing out the informality.

Claim Rejections – 35 U.S.C. § 112

The Examiner has rejected claims 1-6 and 8-22 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. The Examiner has pointed to lack of antecedent basis for many of the claims.

Applicant has amended claims 1, 8, 12 and 13 to more particularly point out and distinctly claim the subject matter regarded as the invention. Applicant respectfully submits that the claims have now been amended to provide proper antecedent basis for all of the limitations in the recited claims.

Claim Rejections – 35 U.S.C. § 103

The Examiner has rejected claims 1-6 and 8-22 under 35 U.S.C. § 103(a) as being unpatentable over WIPO Publication No. 98/12760 to Borza et al. ("Borza") in view of U.S. Patent No. 6,496,928 to Deo et al. ("Deo").

Application No.: 09/727,984
Amendment Dated: March 8, 2006
Reply to Office Action of: September 8, 2005

Applicant has amended claims 1, 8, 12 and 13 to more particularly point out and distinctly claim the subject matter regarded as the invention. In particular, claim 1 has been amended to recite that the biometric data particular to a user is compared to previously stored biometric data stored in the portable computer device and the computer network. Additionally, previously stored biometric data is removable from the portable computing device by instruction from a remote operator on the computer network. Claim 8 has been amended to recite the step of comparing biometric data with previously stored biometric data which may be removed from the portable computing device upon instruction by a remote station on the computer network. Further, claim 13 has been amended to recite that one of the one or more workstations on the computer network may remove the previously stored biometric data from the portable computing device.

The present invention, as recited in independent claims 1, 8 and 13 is directed to a method and apparatus for controlling access to a computer network where access is controlled by a portable computing device. A problem recognized by embodiments of the present invention is twofold – namely, securing access to a computer network by biometric comparison and securing the portable computing device by biometric comparison. The problem is especially inherent in the use of portable computing devices which are easily stolen or lost. Therefore, the present invention contemplates storage of original biometric data on the computer network and on the portable computing device. Additionally, if the portable computing device is lost or stolen, the invention contemplates that a remote user (possibly the administrator of the computer network) can remotely delete the original biometric data on the portable computing device preventing unauthorized use of the portable computing device.

By contrast, the Examiner's base reference, Borza, is directed to encryption and decryption of biometric data from a wireless device to a host system. Borza does not teach or suggest that biometric data be stored on the network and at the wireless device. Indeed, Borza is simply directed to solving the sole problem of computer network access by unauthorized wireless devices.

Application No.: 09/727,984
Amendment Dated: March 8, 2006
Reply to Office Action of: September 8, 2005

The shortcomings of the base reference are not overcome by Deo. Deo teaches broadcasting messages using encryption to mobile devices over the network. When a mobile device has the proper encryption key, it may decode the message. Applicant respectfully submits that Deo is not properly applicable to the problem being solved by the present invention. Deo's system would not be able to identify an unauthorized user from biometric data. In fact, using Deo's system, an unauthorized user (prior to knowledge of potential unauthorized use, say, from owner reporting theft) would be able to continue receiving broadcast messages.

Therefore, Applicant respectfully submits that a combination of Borza and Deo does not teach or suggest every claimed feature of the invention. The prior art reference (or references) must teach or suggest all of the claim limitations. In re Vaeck, 947 F.2d 488 (Fed. Cir. 1991). Since a prima facie case of obviousness has not been set forth, Applicant respectfully submits that amended independent claims 1, 8 and 13 are allowable over the cited references. Claims 2-6, 9-12 and 14-22, by their dependency on claims 1, 8 and 13 respectively, are similarly allowable. Early notice to that effect is earnestly solicited.

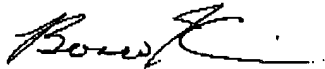
Application No.: 09/727,984
Amendment Dated: March 8, 2006
Reply to Office Action of: September 8, 2005

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner enter the Amendment after Final and reconsider all presently outstanding rejections. The Examiner is invited to telephone the undersigned representative if an interview might expedite allowance of this application.

Respectfully submitted,

BERRY & ASSOCIATES P.C.



Dated: March 8, 2006

By: _____
Bosco Kim
Registration No. 41,896

Berry & Associates P.C.
9255 Sunset Boulevard
Suite 810
Los Angeles, CA 90069
(310) 247-2860